

Compliance Schedule Language**Pre-Rulemaking May 2014**

A new definition in 173-201A-020:

"Compliance Schedule" or "Schedule Of Compliance". A schedule of remedial measures included in a permit or an enforcement order, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with an effluent limit, other prohibition, or standard.

Proposed changes to WAC 173-201A-510(4):

(4) **General allowance for compliance schedules.**

(a) Permits, orders, and directives of the department for existing discharges may include a schedule for achieving compliance with water quality standard~~criteria contained in this chapter~~. Such schedules of compliance shall be developed to ensure final compliance with ~~all water quality-based effluent limits~~ the water quality standards in the shortest practicable time. Decisions regarding whether to issue schedules of

compliance will be made on a case-by-case basis by the department. Schedules of compliance may not be issued for new discharges. Schedules of compliance may be issued to allow for:

- (i) Construction of necessary treatment capability; (ii) implementation of necessary best management practices; (iii) implementation of additional storm water best management practices for discharges determined not to meet water quality criteria following implementation of an initial set of best management practices; (iv) completion of necessary water quality studies; or (v) resolution of a pending water quality standards' issue through rule-making action.

(b) For the period of time during which compliance with water quality ~~criteria~~standards is deferred, interim effluent ~~limitations~~limits shall be formally established, based on the best professional judgment of the department. Interim effluent ~~limitations~~limits may be numeric or nonnumeric, ~~or both~~ (e.g., construction of necessary facilities by a specified date as contained in an ecology order or permit) , or both.

(c) Prior to establishing a schedule of compliance, the department shall require the discharger to evaluate the

possibility of achieving water quality criteria via non-construction changes (e.g., facility operation, pollution prevention). Schedules of compliance ~~may in no case exceed ten years,~~ shall meet requirements in WAC 173-220-140 and shall require compliance with the specified requirements as soon as practicable. They shall generally not exceed the term of any permit unless the department determines that a longer time period is needed to come into compliance with the applicable water quality standards.

(d) When an approved total maximum daily load, or TMDL, has established waste load allocations for permitted dischargers, a longer period of time for a compliance schedule may be authorized if the department has determined that the permittee is not able to meet its waste load allocation in the TMDL solely by controlling and treating its own effluent, because sources outside of the control of the permittee have not yet completed conditions in the TMDL to bring the water back into compliance with the standards. For a longer compliance schedule to be allowed under a TMDL the department must determine that:

(1) The permittee has made significant progress to reduce pollutant loading during the term of the permit;

(2) The permittee is meeting all of its requirements under the TMDL as soon as practicable; and

(3) Actions specified in the compliance schedule are sufficient to achieve water quality standards as soon as practicable.